

JK 633

1874





REPORT AND RULES

RELATIVE TO THE

GOVERNMENT OF THE CIVIL SERVICE.



U. S. Civil Service Commission, 1871-1875

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I.—REPORT OF THE CIVIL-SERVICE COMMISSION.

WASHINGTON, D. C., *June 4, 1873.*

TO THE PRESIDENT:

The circumstances under which the members of the Civil-Service Commission were called upon to hold their session, now just brought to a close, attracted their early inquiry into the practical administration of the rules and regulations thus far, as well as into the immediate prospects and probable utility of civil-service reform as now inaugurated.

Were it not for the facts that some of the members have recently come to their places, and that it is the purpose of the commission to hold an early session at which it is intended to bring the existing rules and regulations, perhaps somewhat modified in details, into a regular series, we should consider it useful to present, more fully than we now propose to do, the results of our inquiries and reflections upon those subjects.

We now submit a brief report, and therewith several new rules suitable, in our opinion, to be prescribed by the President at this time.

But before presenting some of the reasons which justify these new rules, we wish plainly to declare our conviction that those having the duty of enforcing the civil-service rules and regulations have brought to the discharge of that duty perfect fidelity to the essential principles of civil-service reform, as well as that degree of vigor which only needs the support of an appreciative public opinion to secure the complete enforcement and vindication of that reform. A change so considerable as it proposes in some of our political methods can hardly succeed if not very gradually introduced. Even if at once correctly appreciated by public opinion, the difficulties of its early stages would not be small; but they are greatly increased when so many misconceive both the aims and the practical operations of the reform itself.

The new rules we submit more clearly define some of these aims, and we are able, as the result of our investigation, to

speak, upon the warrant of the highest authority, as to some of the results of the practical operation of the rules in the great Departments at Washington, where the clearest tests have been obtained. It appears to be the unanimous opinion of those at the heads of these Departments that there has been a decided mitigation under the operation of such rules of the serious evils that before prevailed and steadily increased. Mere personal importunity and partisan intrigue have diminished in the same ratio that individual merit and just rules for testing such merit have been made the basis of appointments and promotions. The application of these tests has been gradually extended as experience has seemed to warrant, and in every case with good results.

In the Department of State, for example, a rigorous system for the examination of applicants for the position of consuls has been put in operation under the Executive order of March 14, 1873, and there is every reason to believe that incompetent persons will, in a great measure, cease to urge themselves upon that branch of the public service, and that those who pass the examinations will be competent to serve their country in a satisfactory manner.

In the Patent-Office, the results of examination and competition have been more skilled ability in places where it was much needed and more capacity in the same number of officials for a prompt and satisfactory discharge of their duties. Similar illustrations might be drawn from the other Departments, if it was our intention to present a full report at this time. And one consequence of a fair and full examination into the qualifications of applicants, by boards competent for such duty, has been that the heads of Departments have had more time to attend to the public business, and have only been called upon to make a final selection from among a small number, each one of whom had been shown to be among the better qualified of the many that pressed for appointments.

On the other hand, defects have been discovered in the new methods, and some inconvenience, resulting, however, only in pecuniary gain to the Government, has been experienced in filling certain places in the service in strict conformity to the rules. But none of these impediments in the way of success are of a nature which appear difficult to remove, and

we believe the modifications we now propose will remove most of them.

The most serious obstacles we find to overcome in the discharge of the duties to which the President has called us, appear to originate in a misconception, on the part of many honest people, of the theory and object of civil-service reform, and in the prejudice and interested opposition it may be made to encounter through the selfish exertions of those who arraign the motives of the Executive, and attack the reform itself, in the interest of mere personal ambition or party aggrandizement.

We are far from intending to suggest that opposition is confined to those governed by interested or unpatriotic motives; for we by no means believe such to be the fact.

But while no man's opinion upon the merits of the attempt to improve our civil service should be regarded as any just test of his honesty or of his regard for the public welfare, it is yet plain that political opposition and personal interests may attempt to promote their common ends by the easy method of attacking the sincerity and predicting the failure of the attempt itself. We are convinced that the success of civil-service reform is to be decided by the intelligent fidelity with which its friends shall present its true methods to the popular judgment. When presented within their true sphere, as a method and an agency through which the appointing power, without invading the proper functions and influence of parties under republican institutions, shall be most effectually aided in selecting for official places and in promoting those whose characters, abilities, and attainments best qualify them to serve the people, we are convinced that fair public examinations to test such qualifications will receive the permanent support of the people, as against any method of mere personal solicitation or partisan influence for securing office. From all such tests, of course, there should be excepted, as the rules now provide, the President, the heads of Departments, and all those high officers who really represent that policy of a party and those principles of a campaign which the people have approved; but by no means should there be excepted those officers and clerks whose tasks should be performed in the same non-partisan, clerical, and faithful manner, whatever principles may guide and whatever party-leaders may control the Administration.

It has been our aim to recognize the right which requires

that a victorious party should be able to name the officers so far down the official scale as their principles may justly be involved in fair and honest administration, at the same time that we have resisted that pernicious theory which insists that every clerk in a public office, no matter how subordinate or how useful, shall mingle as a partisan in every contest and go out as a matter of course with a retiring head of Department. But the new rules we submit will show that we do not regard the question of the proper duration of the tenure of office or of clerkships, as one with which civil-service reform, as now inaugurated, has any other than an indirect connection.

1. The first rule appended aims at securing to the appointing power some better evidence of the real qualifications of those, often wholly unworthy, who are importunately, and doubtless sometimes reluctantly, pressed for appointments or nominations. It is due to the people that those having the duty of nominations should insist on the best evidence of fitness; and it will certainly promote the public interests, if those reluctantly compelled to urge candidates upon the appointing power shall find some relief in a method which, at the same time, asserts the true theory of the Constitution.

2. The second rule, in substance declares that the rules and regulations for improving the civil service are intended neither to restrict the right of removal nor to extend the tenure of office, but leave the executive responsibility, the rights of Congress, and the interests of the people, in that regard, without qualification. If the fact of more competent persons being found in office shall create a desire to retain them longer, it may be presumed no public interest will be thereby injured.

3. The third rule is intended both to mark out the path of duty before any abuse shall arise and to remove a false and mischievous impression known to exist in the public mind, by declaring that the members of the Civil-Service Commission, and of the boards of examiners, have nothing to do with procuring nominations, with aiding promotions, or with adjusting political disputes; but are substantially limited to the functions of framing proper rules and regulations and of supervising and conducting examinations directed to be held under them. And we desire to bear testimony to the ability and integrity with which the examiners have discharged their respective duties.

4. The fourth rule relates to a class of females who seek employment below the grade of the lowest class of regular clerks,

and from among whom patriotism and public justice seem to require that selections shall be made, after examinations have shown the applicants to be qualified, not wholly in reference to attainments and capacity, as shown by competition between themselves, but largely in reference to their just claims upon public regard, which have arisen by reason of those on whom they were dependent having suffered or died in the public service of the nation.

5. The fifth rule seems to call for no comment.

6. The sixth rule provides a relief against the delays made unavoidable by reason of the examinations before provided for, being only for vacancies which had already occurred. This rule provides for examinations in anticipation of vacancies, and will furnish those qualified persons from whom such vacancies can at all times be readily filled.

7. The seventh rule relates to the important subject of examinations in places beyond Washington. While the theory that all the offices of the Government should be bestowed in geographical or arithmetical succession among the people of every portion of the Union would lead to very undesirable results, if allowed to override the considerations of moral and intellectual fitness, it is yet true that the honor of serving the nation belongs equally to all of its people, irrespective of residence. The method of party and personal promotions to offices gave an undue proportion of them to importunate men who lingered about Washington and made politics a trade; and so long as all examinations for places in the great Departments and in the consular service shall be confined to Washington, it will not be easy to wholly remove this abuse of the old system.

The new rule we propose on this subject will, we think, in a large measure furnish a remedy. Inadequacy of funds will, for the present, prevent examinations at so many places as the reasonable convenience of applicants requires, but relief from this inconvenience rests with Congress. As each of the five districts into which the Union is divided is to be taken as a sphere of competition for the purpose of making selections for new appointments, every head of a Department may have the variety of qualifications afforded by fifteen eligible persons from whom such appointment may be made with due regard to the strictest competition. Each of these five districts can, by our rule, have at least two competitive examinations within its own borders during each year.

Should Congress see fit to moderately increase its appropriation for the civil service, examinations could be made at more places in each district; and there can, we think, be little doubt that, in a short time, it would be the case here, as it now is in England, that such examinations would be sought by worthy young men, for the honor and business advantages of a public recognition of the merit they would demonstrate. In that way, a public sentiment would be developed which would sternly associate every branch of the public service with a demand and recognition of that high personal worth from which it has been, in the public estimation, so unfortunately separated. It is true the Government should not conduct such examinations for mere private ends, but they can be easily limited to the public needs, if found too much resorted to. Each such examination is to be just as effective for every purpose as an examination now is, or hereafter will be, if conducted at Washington.

In providing for examinations outside of Washington, it should be observed that competitions are to be between those who are residents in the same district, without regard to where they may be actually examined, and that the examination may be allowed in any district to suit the convenience of persons desiring the examination. With the order of making appointments from residents within the several districts who have, through the test of competition, shown themselves to possess the highest merit, the civil-service rules in no way interfere, but leave the discretion of the appointing power in that regard unrestricted.

The great difference in the density of population manifestly rendered it impossible to even approximate the districts in point of size. Nor was it possible, even with great inconvenience of geographical arrangement, to bring the same population within each district. It was as undesirable as it is impracticable to subdivide States. Disregarding the fractions of a thousand in the several States and Territories, the whole population may be stated, in round numbers, as shown by the last census, as 38,500,000; and this would give 7,700,000 to each district. The first district has 7,870,000; the second, 8,204,000; the third, 7,906,000; the fourth, 7,295,000; the fifth, 7,284,000.

If the second district, being that in which Washington is situated, is placed at some disadvantage by being given the largest population, it should be remembered that the great Departments are in that district, and that they give employment

to numerous persons below the grade of those officers and regular clerks to which the civil-service rules apply.

It was impossible under the existing appropriations to designate any place of district examinations within California or Oregon, even if such designation at this time would not, for other reasons, be premature. It is a considerable compensation that the residents in those States will hardly have any contestants for places in the custom-houses and other Federal offices within their borders; and residents there can be examined in any other district. By reason of the great size of the fifth district, and of the dense population of the first district, and of the fact that there was no one large central city in either of these districts, but were two cities in each where there might be local examining boards in existence, it was thought most convenient to have the examinations held alternately in New York and Boston for the first district, and alternately in Savannah and Memphis for the fifth district. Much the same reasons demanded two places of examination in the third district; and Cincinnati and Detroit seem to be the two most convenient places for that purpose.

It appeared, however, to be more convenient to limit the examinations to Saint Louis for the fourth district until they can be extended to the Pacific States.

Under the new rules we have proposed, it will be in the power of the head of any custom-house, post-office, or of any other public office in either said district, to send any applicant for admission to a place in the civil service under him to be examined at either of these district examinations. But we have not intended, at present at least, to supersede local examining boards at such local offices, and they may perhaps be permanently necessary for examinations for local promotions. It is, however, contemplated that one member of the district boards, and possibly two, will be selected from the local board of examiners. It is intended that it shall be the duty of the chief examiner to properly supervise and to bring into uniformity the proceedings of the local examining boards.

The system of district examinations and competitions has been initiated in response to what the commissioners have reason to regard as a general public demand, and while feeling that its merits can only be determined by actual experiment, it is yet established with entire confidence in its justice and general adaptation to the public convenience.

The commission wish to record the opinion that the examiners generally might, with public advantage, give somewhat more weight to the evidence of practical capacity for business; and at a future session, if they find it necessary, they propose to prepare a rule, adapted to the estimate of such capacity in a just and uniform manner, without at the same time opening the door to mere political influence or personal favoritism.

We ought to bear testimony to the attention and co-operation with which the Executive and the members of the cabinet have aided our labors; and the more we have been brought into familiarity with the practical bearings of the great principles of individual justice and national safety which must be the basis and sanction of all true methods of improving the the civil service, and the ampler our opportunities have been of measuring the allegiance which such principles command from those whom the people have placed at the head of their great affairs, the more profound is our impression of the inestimable value of the reform itself, and of the solemn obligation of all its friends to leave no means untried, during this best opportunity our generation has seen or may see, to place that reform upon a sure foundation and to transmit it in healthy vigor as the greatest political blessing this generation can confer upon the generations to come.

DORMAN B. EATON.

SAMUEL SHELLABARGER.

DAWSON A. WALKER.

E. B. ELLIOTT.

JOSEPH H. BLACKFAN.

DAVID C. COX.

WASHINGTON, D. C., *June 4, 1873.*

NOTE.—The signature of Alexander G. Cattell, one of the members of the Civil-Service Commission, does not appear, in consequence of his absence in Europe.

II.—EXECUTIVE ORDER.

WASHINGTON, *August 5, 1873.*

The Civil-Service Commission, at its session at Washington, which terminated June 4, 1873, recommended certain further rules to be prescribed by the President for the government of the civil service of the United States.

These rules, as herewith published, are approved, and their provisions will be enforced as rapidly as the proper arrangements can be made.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

III.—FURTHER RULES FOR PROMOTING THE EFFICIENCY OF THE CIVIL SERVICE OF THE UNITED STATES.

Recommended by the Civil-Service Commission, June 4, 1873, and promulgated by the President August 5, 1873.

RULE 1.

It being essential to the public welfare to maintain in the Executive the exercise of the power of nomination and appointment vested by the Constitution, and thereby to secure that measure of independence and separate responsibility which is contemplated by that instrument, and it being needful, in making such nominations and appointments, that the appointing power should obtain and in the proper Department preserve the evidence of fitness in reference to which all such nominations and appointments should be made: therefore, recommendations concerning any nomination or appointment to office or place in the civil service cannot be considered unless made in writing, signed by the persons making them, setting forth the character of the person recommended and his qualifications for the office, in reference to which the recommendation is made; nor, when the recommendation is by a person holding an office or station in or under the Government of the United States, can such written recommendation, except when made in response to a written request by the officer making the appointment, or in the discharge of an official duty imposed by the Constitution or the laws, be considered as entitled to any greater weight than if made by such person as a private individual. But this rule shall not apply to recommendations made by officers as to their own subordinates.

RULE 2.

While it is not the purpose of the rules and regulations prescribed for the government of the civil service either to restrict

the power of removal or to extend the tenure of service, such power will not be exercised arbitrarily, and therefore applications must not be entertained by any authority having the duty of nomination or appointment for the removal of any person in the civil service, nor will any person be removed for the mere purpose of making a place for any other person.

RULE 3.

To prevent any misapprehension in the public mind in regard to the functions of the members of the Civil-Service Commission and of the members of any board of examiners, it is declared not to be any part of the duty or authority of any such member to act upon, take part in, or in any way entertain any recommendation, application, or question concerning appointments or removals in respect of the civil service, otherwise than in the strict discharge of their respective duties as prescribed by the rules and regulations; and for the same purpose, it is further declared that the functions of the members of said commission as to the matters aforesaid extend only to the question of the proper rules and regulations to be made and to supervising their application, and that the functions of the examiners, as to said matters, extend only to preparing for, conducting, rating, and making reports concerning examinations required to be made under such rules and regulations.

RULE 4.

The grouping heretofore made for the Executive Departments at Washington is hereby modified by striking out the words "female clerks, copyists, and counters, at \$900 a year," these places being below the grade of clerkships of class one; and all applicants for such positions shall be examined in (1) penmanship, (2) copying, (3) elements of English grammar, chiefly orthography, and (4) fundamental rules of arithmetic, except that mere counters may be examined only in the fundamental rules of arithmetic and as to their facility in counting money; and those found competent by such examination shall be reported in the order of their excellence as eligible for appointment; and selections may be made by the appointing power, at discretion, from the list of those so reported, being at liberty to give preference to such as may be justly regarded as having the highest claims to public consideration by reason

of loss of support or of property occasioned by the death or disability of any person in the defense of the Union in war, or in other public service of the Government. And in the notices of the examination of females to fill vacancies among those last mentioned, it shall be stated as follows: "That from among all those who shall pass a satisfactory examination, the head of the Department will be at liberty to select such persons for the vacancies as may be justly regarded as having the highest claims to public consideration."

RULE 5.

The notices to appear at any examinations, other than those referred to in the fourth rule of this series, so far as practicable and necessary to prevent misapprehension, shall advise female applicants to whom they may be sent, of any limitation which the law or the necessities of the public service impose upon such applicants entering the vacancies for which the examinations are to take place.

RULE 6.

That it shall be the duty of the respective boards of examiners, on the written request of heads of Departments, to hold examinations in anticipation of vacancies, as well as to fill vacancies, and to prepare lists showing the results of competition, so that when any such vacancy may happen there shall be those thus shown to be eligible to nomination or appointment, from whom the proper selection shall be made according to the provisions of the rules and regulations relating to competitive examination. And examinations upon like request shall be held in reference to vacancies to be filled under the fourth rule of this series.

RULE 7.

Applicants for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money-order divisions in post-offices, and other custodians of large sums of public money, for whose fidelity another officer has given official bonds, may be appointed at discretion; but this rule shall not apply to any appointment to a position grouped below the grade of assistant teller.

RULE 8.

In cases of defalcation or embezzlement of public money, or other emergency calling for immediate action, where the public service would be materially injured unless the vacancy is promptly filled without resorting to the methods of selection and appointment prescribed by the rules and regulations, or when a vacancy happens at a place remote and difficult of access and the methods prescribed for filling it cannot be applied without causing delay injurious to the public service, the appointment may be made at discretion; but this rule shall not apply to any place which is provided to be filled under the rules of competitive examination.

RULE 9.

For the purpose of bringing the examinations for the civil service as near to the residences of those desiring to be examined as the appropriation at the command of the President will warrant, and for the further purpose of facilitating, as far as practicable, the making of selections for such service equably from the several portions of the Union, while at the same time preserving the principle of promoting merit as tested by fair competition, it is provided as follows:

(1.) That the several States and Territories are grouped into five divisions, to be designated as civil-service districts; the said districts to be numbered consecutively from one to five, as follows:

I. The first district embraces the States of Maine, New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island, and New York; and the examinations therein shall be held alternately at the city of New York and the city of Boston, but first at the city of New York.

II. The second district embraces the States of New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, West Virginia, and the District of Columbia; and the examinations therein shall be held at Washington.

III. The third district embraces the States of Ohio, Michigan, Indiana, Wisconsin, and Kentucky; and the examinations therein shall be held alternately at Cincinnati and Detroit, but first at Cincinnati.

IV. The fourth district embraces the States of Illinois, Missouri, Minnesota, Iowa, Kansas, Nebraska, Nevada, Cali-

fornia, and Oregon, and also all the Territories, except New Mexico and the District of Columbia; and the examinations therein shall be held at Saint Louis.

V. The fifth district embraces the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Tennessee, together with the Territory of New Mexico; and the examinations therein shall be held alternately at the city of Savannah and the city of Memphis, but first at the city of Savannah.

(2.) That in each of said districts examinations for admission to the civil service, at Washington, shall be conducted as hereinafter provided; and those whose residence is within any such district at the time of filing the application for examination shall be regarded as belonging to such district in reference both to competition and to appointments; and each district shall be treated as a sphere of competition, and those so residing therein, wherever examined, shall be regarded as competing only with each other; but a person residing in any district may be allowed or notified to be examined in any other district.

(3.) All applications for examination for service at Washington must be addressed to the head of the Department at that city which the applicant desires to enter, and be in conformity to the previous rules and regulations, so far as the same are not modified by this series; and every such application must be dated, must give the town or municipality, as well as the State or Territory where the applicant has his legal residence, and also his post-office address.

(4.) Each of the heads of Department will cause to be kept in permanent form a register of all such applicants for his Department, to be called a "*register of applicants*," and will cause such applications to be preserved on file for convenient reference.

(5.) The provisions of the former rules and regulations in reference to the examining boards in the Departments and in the other local offices in the various cities, so far as consistent herewith, are continued until otherwise ordered.

(6.) The President will employ or designate a suitable person to be chief examiner, whose duty it will be, subject to the supervision of the Civil-Service Commission, to promote uniformity in preparing for, conducting, reporting, and grading the examinations by said boards, at Washington, and to prepare

for, attend, supervise, and report the examinations herein provided to be held elsewhere than at Washington.

(7.) The several heads of Departments must also cause to be made in permanent form, and to be preserved, a "*record of persons eligible for appointment*," arranging under separate headings those resident in each separate district, wherein shall be entered the names of the persons who have been examined within twelve months now last past, and who are still eligible to nomination or appointment; and to such record must, from time to time, be added the names of those persons who shall hereafter pass an examination which shall show them to be so eligible for nomination or appointment. And such "*record of persons eligible for appointment*" shall be so kept, and the names therein be so classified, that all those whose residences appearing as aforesaid to be in the same districts shall be tabulated together, so as to show their relative excellence in each said district; except that the names of all of those examined under the fourth rule of this series shall be separately entered upon the "*record of persons eligible for appointment*," for each Department, so as to show where they reside.

(8.) That the officer having the power of making nomination or appointment may resort, for that purpose, to those so entered in the "*record of persons eligible for appointment*" as residing in either of said civil-service districts; but (except in respect of those examined under said Rule 4) the method of competition heretofore provided must be regarded as applying among those so registered as residing in any such district, and as requiring the nomination and appointment to be made from some one of the three persons graded as the highest on some one of said five several arrangements of persons so eligible.

(9.) At a reasonable time before any examination is to take place, each head of Department will furnish the chief examiner with a list of those to be examined, and ten days before any examination is to take place in any said district, elsewhere than at Washington, notice shall be sent by mail by such chief examiner to all such applicants residing or allowed to be examined in such district, stating the time and place of such examination, and the other matters of which the rules and regulations require notice to be given.

(10.) For the purpose of the examinations last mentioned, the said chief examiner shall receive from the several heads of Departments at Washington, and from the head of any local office

which may request to have any examinations made of persons for said offices, the names of those who are to be examined at any place outside of Washington, and shall make a list of the same, showing the date of the filing of each application, which he shall produce at the place of examination; and the examination shall be held of all those on such list who shall duly appear and submit thereto, provided the number be not so great, in the opinion of the examining board, as to render the examination of the whole impracticable, in which event only a reasonable number, to be selected in the order of the date of the filing of their applications, need be examined.

(11.) For each place outside of Washington where such examination is to be held, the President will designate persons, to be, when practicable, suitable officers of the United States, who, together with such chief examiner, or some substituted departmental examiner from Washington, to be sent in his place when such chief examiner cannot attend, shall constitute the board for such examination, and by said persons, or a majority thereof, of whom such chief examiner or said substitute shall be one, such examination shall be held, and certified in a uniform manner; and the time occupied by each person examined shall be noted on the examination papers. The questions to be put to those examined as applicants through the request of either head of Department, or head of local office, shall be such as may be provided, and as might be put, if all such examinations were, or were to be, conducted under the rules and regulations, by the examining boards of any such Department in Washington, or by any such local board.

(12.) The chief examiner, or his substitute, shall make reports to each Department and local office separately, in respect of all such persons as either said head of Department or of a local office requested to be examined, and said reports, respectively, shall be accompanied by the examination papers of those so separately reported; and the board of examiners in each Department or local office shall make up and state the excellence of each person so reported as examined, and such excellence being not below the minimum grade of seventy per centum shall be duly entered in the record of persons eligible for appointment in the proper district or local office.

(13.) The district examinations herein provided for shall be held not more than twice in any one year, in the same district,

except in Washington, where an examination may be held, in respect of each Department, as frequently as the head of such Department, subject to the approval of the President, may direct; and all persons so examined in Washington, wherever they may reside, shall be entered on the record of persons eligible for appointment, equally as if examined elsewhere.

(14.) Whenever the entry of the name of any person has been on the record of persons eligible for appointment during eighteen consecutive months, such entry shall be marked "time expired," and such name shall not again be placed thereon, except as the result of another examination.

(15.) Persons who may be required to be examined for any custom-house, post-office, or other local office or place of service other than Washington, may be notified by the head of such office to appear and be examined at any examination provided for under this rule; and the result of such examination shall be reported by the chief examiner, or his substitute, to the proper examining board for such office or place, or to the head of the local office; and such board shall enter the name, with the proper indication or the grade of excellence, among those who are to compete at any such place or office, and from whom selection, on the basis of competition, shall be made.

(16.) But where the result of any examination aforesaid shall show the excellence of any such applicant to be below the minimum grade of seventy per centum, (on the basis of one hundred as perfect,) the only entry thereof to be made in registers of the Department or of local office shall be of the words "Not eligible," which shall be written against the name of such person in the register of applicants; and such applicant shall not be again examined for any Department or office within six months of the date of the former examination.

(17.) The provisions of this rule do not apply to examinations for promotion, nor do they apply to the State Department, in which examinations will be conducted under the provisions of the Executive order of March 14, 1873.

(18.) Subject to the other provisions of this rule, the times of holding the examinations herein provided for in the first, third, fourth, and fifth districts, respectively, shall be fixed by the chief examiner, after consultation with the heads of Departments at Washington. One examination, however, shall be held in each of the last-mentioned districts prior to the first day of November next, and the chief examiner shall, on or be-

fore that date, make a report in writing to the Civil-Service Commission, setting forth generally the facts in regard to the examinations referred to in this rule, and appropriate suggestions for increasing their usefulness.

RULE 10.

So many of the persons employed by the President under the ninth section of the act of March 3, 1871, as are referred to in the opinion of the Attorney-General of the date of August 31, 1871, under the name of the Civil-Service Commission, and are still in such employment, together with the successors of those who have resigned, and their successors, shall hereafter be regarded as composing, and shall be designated as, "The Civil-Service Commission;" and the use of the designation "Advisory Board," as referring to such persons, will be hereafter discontinued.







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